

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

ORDER NO. 86-67

WASTE DISCHARGE REQUIREMENTS
(SITE CLEANUP REQUIREMENTS) FOR:

LINCOLN PROPERTY COMPANY
RIVER PARK TOWERS
SAN JOSE
SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter called the Board), finds that:

1. Lincoln Property Co., hereinafter called a discharger, owns the property bordered by West San Carlos St., the Guadalupe River, Park Avenue, and the Guadalupe Freeway located in San Jose. The site location is shown in Attachment 1, Location Map, hereinafter a part of this Order. At the request of the Regional Board staff, the discharger submitted a Report of Waste Discharge to the Board on July 31, 1986.
2. The site was originally occupied (from 1920 - mid 1970's) by a laundry service. From the 1970's through 1984 the site was occupied by a variety of businesses including: a car rental company, a car salvage company, a computer parts precious metal salvage operation, and a tire salvage company.
3. The discharger acquired the site on June 25, 1985, demolished all existing structures, and began construction of River Park Towers, a development consisting of two 17-story office buildings and an underground garage. The discharger was not responsible for the original release of chlorinated solvents that have been found at the site.
4. During the soil and foundation investigation associated with the River Park construction, chlorinated solvents were found in the soil. Subsequent investigations found levels of perchloroethylene (PCE) as high as 321,221 ppb in the soil and 6,245 ppb in the shallow groundwater, ("A" aquifer). Chlorinated solvents were also found in the next deeper aquifer ("B" aquifer) at levels as high as 2,159 ppb PCE.
5. The subsurface geology beneath the discharger's site consists of interbedded clays and silts to a depth of fifteen to twenty feet below ground surface. These non-water bearing soils are underlain by discontinuous lenses of permeable sand and gravelly sand. The static water level varies between eighteen and twenty-six feet below ground surface. Perched groundwater within this unit, ("A" aquifer), is generally three to four feet thick. The level of water in the Guadalupe River, immediately east of the site is approximately nineteen feet below ground surface, and appears to be in discontinuous hydraulic

continuity with the "A" aquifer.

6. The "A" aquifer is underlain by stiff, silty clays which are underlain by permeable sands and sandy gravels which comprise the next water bearing unit, ("B" aquifer). This deeper aquifer is very uniform and extensive with a water level approximately thirty-nine to forty feet below the ground surface and permeable sediments extending to one hundred feet below the ground surface.
7. Three activities have been going on concurrently at this site:
 - 1) Soil cleanup,
 - 2) Groundwater investigation, and
 - 3) Construction of River Park Towers.
8. Soil cleanup has proceeded under the direction of the Department of Health Services using aeration. This method involves discing 3 to 12-inch "lifts" of soil until analyses of soil samples taken daily show less than 100 ppb PCE. This soil has been used as backfill on site. Any soil that was removed from the site was aerated until the PCE concentration was less than 10 ppb. Soil cleanup has been completed for more than half the site and is expected to be finished this summer.
9. On April 14, 1986 the discharger submitted a proposal for additional investigation to determine the vertical and lateral extent of pollution at this site. This proposal included:
 - a. Resampling and analysis of all existing monitoring wells,
 - b. Monthly measurement of water levels in all wells to determine groundwater gradient,
 - c. Installation of five to six additional monitoring wells to evaluate the extent of pollutant migration and the potential for offsite sources of pollutants to have contributed to the plume. Two wells, located south and west of the site, will be perforated in the "A" aquifer. Three wells, located northeast, south, and west of the site will be perforated in the most permeable zone in the upper half of the "B" aquifer. If the water level measurements indicate an east-southeast gradient in the "B" aquifer another "B" aquifer monitoring well will be installed east of the site.
 - d. Determination of the location for a "C" aquifer monitoring well to determine the vertical extent of pollutant migration.
 - e. Initiation of a quarterly sampling program for all wells.
10. On August 10, 1986 the discharger submitted a proposal for a public and private well survey including both active and inactive wells, of the area that may be impacted by pollutants originating at the River Park site. This survey will evaluate the possibility that abandoned wells are acting as conduits for pollutant movement downward to deeper

aquifers in this area.

11. The excavation for the underground garage extended into the "A" aquifer. Consequently, a dewatering system was constructed to remove the water that collected in the excavation. Analysis of this water revealed levels of chlorinated solvents as high as 700 ppb trichloroethylene (TCE). An aeration treatment system was constructed to reduce the level of total chlorinated compounds to less than 100 ppb prior to discharge to a storm drain. An NPDES permit, Order No. 86-13, was adopted for this temporary discharge on March 19, 1986.
12. Construction activities at the site required the destruction of all onsite monitoring wells. Twelve offsite wells still exist.
13. There are 10 active municipal wells located within 1 mile downgradient of this site which are operated by the San Jose Water Company. Six of these wells were sampled in June 1986 and analyses indicated non-detectable levels of contaminants.
14. The continued movement of organic solvents from soils and from fine-grained sediments within the saturated zone to groundwater aquifers, and the potential for continued migration of these compounds to uncontaminated waters constitutes a discharge for purposes of Water Code Section 13263(a).
15. The Regional Board adopted a revised Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) on July 21, 1982. The Basin Plan contains water quality objectives and beneficial uses for South San Francisco Bay and contiguous surface and groundwaters.
16. The beneficial uses of South San Francisco Bay and tributary water bodies are:
 - water contact recreation
 - non-contact water recreation
 - wildlife habitat
 - warm and cold fresh water habitat
 - fish migration
 - industrial service and process supply
 - navigation
 - agricultural water supply
17. The beneficial uses of the groundwaters are:
 - municipal and domestic water supply
 - industrial service and process supply
 - agricultural water supply
18. The Board has notified the discharger and all interested agencies and persons of its intent to issue waste discharge requirements for the discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

19. The Board, at a public meeting, heard and considered all comments pertaining to this discharge.
20. This project constitutes a minor modification to land and such activity is thereby exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15304 of the Resources Agency Guidelines.

IT IS HEREBY ORDERED, that the discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS:

1. The discharge of wastes or hazardous materials in a manner which will degrade water quality or adversely affect beneficial uses of the waters of the State is prohibited.
2. Further significant migration of pollutants through subsurface transport to waters of the State is prohibited.
3. Activities associated with the subsurface investigation and cleanup which will cause significant adverse migration of pollutants or adversely spread any pollutants from other sites is prohibited.

B. SPECIFICATIONS:

1. The storage, handling, treatment or disposal of polluted soil or groundwater shall not create a nuisance as defined in Section 13050(m) of the California Water Code.
2. The discharger shall conduct monitoring activities as needed to define the local hydrogeological conditions, and the lateral and vertical extent of the soil and groundwater pollution in and contiguous to the zone of known pollution. Should monitoring results show evidence of plume migration additional plume characterization shall be required.

C. PROVISIONS:

1. In order to comply with Specification B.2, the discharger shall complete the following tasks according to the following compliance time schedule:

TASK	COMPLETION DATE
a. Submit a report acceptable to the Executive Officer on the results (boring logs, chemical analyses) and conclusions, of the following tasks:	August 22, 1986

(1) Re-sampling and analysis by EPA Methods 601 and 602 of all existing monitoring wells.

(2) Monthly water level measurements (April through July) from all wells and the resulting gradient determination.

(3) Construction, sampling, and analysis of additional monitoring wells to define the extent of pollutant migration in the "A" and "B" aquifers. This should include:

a) A "B" aquifer well northeast of the site in the direction of the elementary school,

b) "A" and "B" aquifer wells west of the site toward Delmas Ave.,

c) "A" and "B" aquifer wells south of the site,

d) An additional "B" aquifer well southeast of Well # 20 in the park strip west of the Fine Arts Theater if the gradient is determined to be to the southeast.

b. Submit a proposal acceptable to the Executive Officer for additional work to complete the definition of pollutant migration from this site. This will include the proposed location and construction techniques for a "C" aquifer well to complete the vertical extent, and any additional "A" and "B" aquifer wells, as determined by the

September 10, 1986

investigation in 2.a., to be needed to fully define the pollutant plume in these zones.

- c. Submit a report acceptable to the Executive Officer on the results (boring logs and chemical analyses) and conclusions of the investigations described in 2.b. December 22, 1986

- d. Submit a report acceptable to the Executive Officer describing the results of the public and private well survey including both active and inactive wells, of the area that may be impacted by pollutants originating at the River Park site and evaluating the potential for abandoned wells to act as conduits for downward pollutant movement. September 10, 1986

2. In order to comply with Prohibitions A.1 and A.2 the discharger shall meet the following compliance time schedule:

TASKS	COMPLETION DATE
a. Submit a report which evaluates interim cleanup alternatives and which contains or recommends an interim cleanup strategy for the site for the Executive Officer's consideration.	March 23, 1987
b. Complete construction and implement an approved interim cleanup alternative.	September 21, 1987

3. In order to comply with Prohibition 1, the following information will be submitted in a report for Board consideration no later than November 21, 1988.

- a. An evaluation of final remedial measures and a recommendation on which measures if any should be implemented.
- b. An evaluation of the effectiveness of the interim cleanup measures.

The evaluation of final remedial measures will include a projection of the cost, effectiveness, and benefits of each measure and will be based upon Section 25350, Subpart F of the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR, Part 300 Subpart F) and upon Section 25356.1(c) of the California Health and Safety Code.

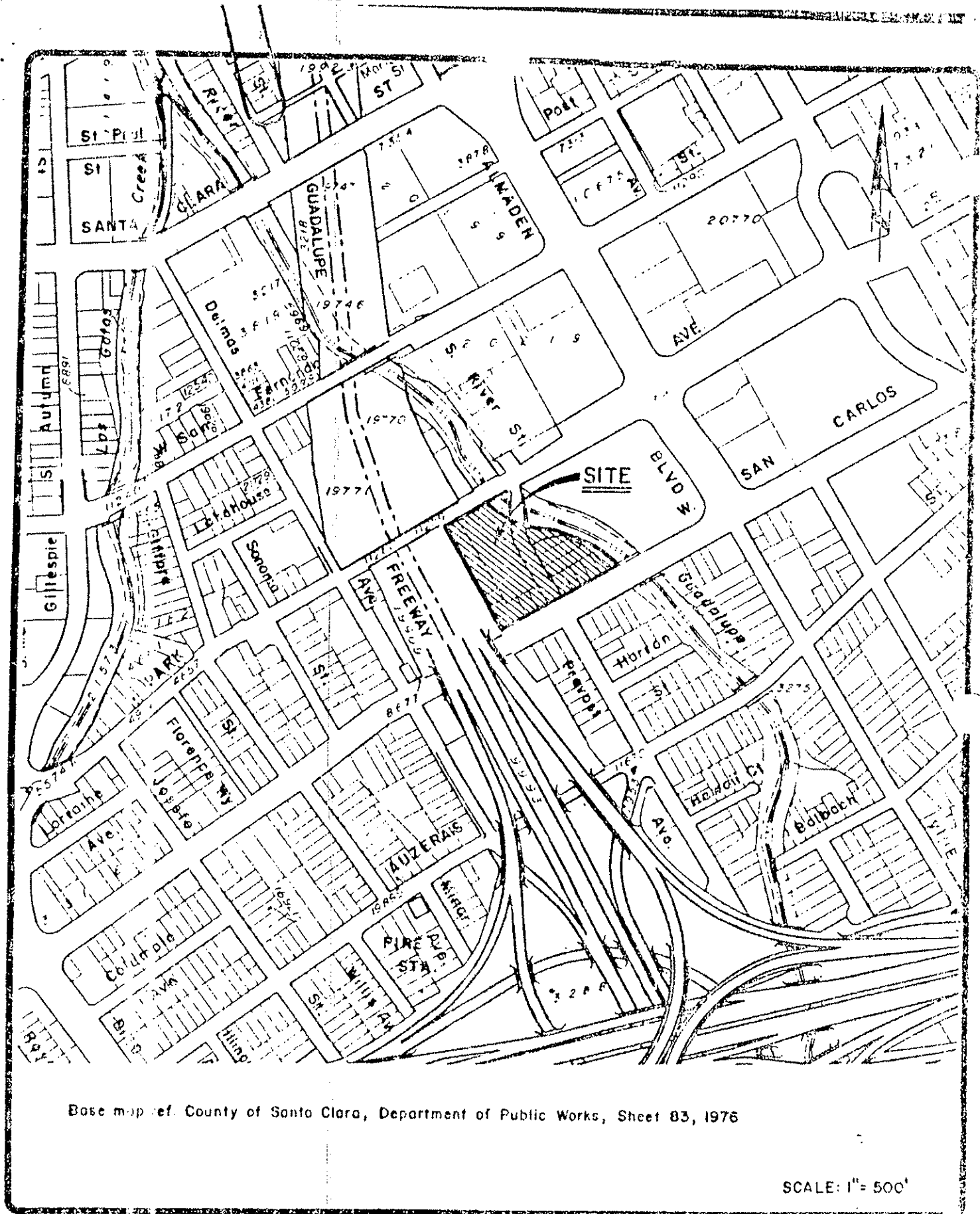
4. The discharger shall submit to the Board quarterly reports summarizing

its progress toward compliance with the Provisions specified in this Order, including specific actions taken and actions proposed prior to the next report. Reports will be submitted within 45 days of the end of each calendar quarter with the first report due by November 14, 1986. These quarterly reports will also contain the information specified in the attached self-monitoring program and any subsequent modifications of the self-monitoring program the Executive Officer may make.

5. All samples shall be analyzed by State-approved laboratories using approved EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control records for Board review.
6. The discharger shall permit the Board or its authorized representative in accordance with Section 13267(c) of the California Water Code:
 - a. Entry upon the Lincoln Property Company, River Park Towers, California facility premises on which any pollution sources exist, or may potentially exist, or on which any required records are kept;
 - b. Access to copy any records required to be kept under terms and conditions of this order.
 - c. Inspection of any monitoring equipment or methods required by this Order.
 - d. Sampling of any groundwater or soil which is accessible, or may become accessible to the discharger as part of any investigation or remedial action program required by this Order.
7. The discharger shall maintain in good working order and operate, as efficiently as possible, any facility or control system installed to achieve compliance with the requirements of this Order.
8. The Board will review this Order periodically and may revise the requirements when necessary. This may include further investigation and cleanup if warranted by monitoring results and other considerations.

I, Roger B. James, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on August 20, 1986.


ROGER B. JAMES
Executive Officer



Beta Associates

LOCATION MAP
 RIVER PARK DEVELOPMENT
 CONTAMINATION INVESTIGATION
 CITY OF SAN JOSE CALIFORNIA

FIGURE
 1
 PROJECT
 100-1.0

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM
FOR

Lincoln Property Company

River Park Towers

WDR NO. 86-67

ORDER NO. _____

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM

A. GENERAL

Reporting responsibilities of waste dischargers are specified in Sections 13225(a), 13267(b), 13268, 13383, and 13387(b) of the California Water Code and this Regional Board's Resolution No. 73-16.

The principal purposes of a monitoring program by a waste discharger, also referred to as self-monitoring program, are: (1) to document compliance with waste discharge requirements and prohibitions established by this Regional Board, (2) to facilitate self-policing by the waste discharger in the prevention and abatement of pollution arising from waste discharge, (3) to develop or assist in the development of effluent of other limitations, discharge prohibitions, national standards or performance, pretreatment and toxicity standards, and other standards, and (4) to prepare water and wastewater quality inventories.

B. SAMPLING AND ANALYTICAL METHODS

Sample collection, storage, and analyses shall be performed according to the latest edition of Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation, EPA "Test Methods" for organic chemical analysis, or other methods approved and specified by the Executive Officer of this Regional Board.

C. REPORTS TO BE FILED WITH THE REGIONAL BOARD

1. Violations of Requirements

In the event the discharger is unable to comply with the conditions of the waste discharge requirements and prohibitions due to:

- (a) maintenance work, power failures, or breakdown of waste treatment equipment, or

- (b) accidents caused by human error or negligence, or
- (c) other causes such as acts of nature,
- (d) poor operation or inadequate system design,

The discharger shall notify the Regional Board office by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written report shall include pertinent information explaining reasons for the noncompliance and shall indicate what steps were taken to prevent the problem from recurring.

The discharger shall file a written report at least 15 days prior to advertising for bid on any construction project which would cause or aggravate the discharge of waste in violation of requirements; said report shall describe the nature, costs, and scheduling of all action necessary to preclude such discharge.

In addition, if the noncompliance caused by items (a), (b), (c), or (d) above is with respect to any of the effluent limits, the waste discharger shall promptly accelerate this monitoring program as required by the Board's Executive Officer for those constituents which have been violated. Such analysis shall continue until such time as the effluent limits have been attained, or until such time as the Executive Officer determines to be appropriate. The results of such monitoring shall be included in the regular Self-Monitoring Report.

2. Bypass Reports

Bypassing reporting shall be an integral part of regular monitoring program reporting. A report on bypassing of untreated waste or bypassing of any treatment units shall be made which will include cause, time and date, duration and estimated volume bypassed, method used in estimating volume, and persons and agencies notified. Notification to the Regional Board shall be made immediately by telephone (415-464-1255), followed by a written account within 15 days.

3. Self-Monitoring Reports

a. Reporting Period:

Written reports shall be filed regularly for each calendar quarter within 45 days of the end of each calendar quarter.

b. Letter of Transmittal:

A letter transmitting self-monitoring reports shall accompany each report. Such a letter shall include a discussion of requirement violations found during the reporting period and actions taken or planned for correcting any requirement violation. If the discharger has previously submitted a detailed time schedule for correcting requirement violations, a reference to this correspondence will be satisfactory.

Monitoring reports and the letter transmitting reports shall be signed either by a principal executive officer or other duly authorized employee. The letter shall contain a statement by the official, under penalty of perjury, that to the best of the signer's knowledge the report is true and correct.

c. Data Results:

- (1) Results from each required analysis and observation shall be submitted in the quarterly self-monitoring report. Results shall also be submitted for any additional analyses performed by the discharger for parameters for which effluent limits have been established by the Board.
- (2) The report shall include a discussion of unexpected operational changes which could affect performance of the treatment system, such as flow fluctuations, maintenance shutdown, etc.
- (3) The report shall also include a table identifying by method number the analytical procedures used for analyses. Any special methods shall be identified and should have prior approval of the Board's Executive Officer.

- (4) Lab results should be copied and submitted as an appendix to the regular report.
- (5) A map shall accompany the report, showing sampling locations and flow path to receiving waters.
- (6) The report shall include an annual waste summary by month for the current year for each parameter of the attached Table I, showing the minimum, maximum and average for the month. The report for December shall include minimum, maximum and average for the year.

D. DESCRIPTION OF SAMPLING STATIONS

GROUNDWATER

Station

Description

All new wells, and existing wells numbers 17 thru 22, 30 and 31

Points on the edge of the pollutant plume.

GI

Guadalupe River at Park Ave. Bridge.

E. SCHEDULE OF SAMPLING AND ANALYSIS

The schedule of sampling and analysis shall be that given as Table I.

I, Roger B. James, Executive Officer, hereby certify that the foregoing Self-Monitoring Program:

1. Has been developed in accordance with the procedure set forth in this Regional Board's Resolution No. 73-16 in order to obtain data and document compliance with waste discharge requirements established in Regional Board Order No. 86-67.
2. Was adopted by the Board on August 20, 1986 .
3. May be reviewed at any time subsequent to the effective date upon written notice from the Executive Officer or request from the discharger and revisions will be ordered by the Executive Officer.


 ROGER B. JAMES
 Executive Officer

Attachment: Table I

SCHEDULE FOR SAMPLING, MEASUREMENTS, AND ANALYSIS

[illegible]

LEGEND FOR TABLE

G = grab sample

D = once each day

M = once each month

Q = quarterly, once in March, June, September and December

M/Q = monthly for three months at startup of operation; reduced to quarterly thereafter

Y = once each year